

EXHIBIT G

Page 1

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
3
4 Court File No. 0:18-cv-01776-JRT-HB
5
6 IN RE:
7 PORK ANTITRUST LITIGATION
8 _____/
9
10 ORAL VIDEOTAPED DEPOSITION
11 JAMES EATON
12 MARCH 10, 2022
13
14 ORAL VIDEOTAPED DEPOSITION OF JAMES EATON, via Zoom,
15 produced as a witness at the instance of the Defendant
16 Hormel Food Corporation, and duly sworn, was taken in
17 the above-styled and numbered cause on the 10th day of
18 March, 2022, from 9:04 a.m. to 12:02 p.m., before
19 Melinda Barre, Certified Shorthand Reporter in and for
20 the State of Texas, reported by computerized stenotype
21 machine, all parties appearing remotely via web
22 videoconference, pursuant to the rules of procedure and
23 the provisions stated on the record or attached hereto.
24
25

Page 3

1
2 INDEX
3 PAGE
4 Examination by Ms. Koltookian4
5 Signature Page126
6 Court Reporter's Certificate128
7
8 EXHIBITS
9
10 EXHIBIT DESCRIPTION PAGE
11 Exhibit 1 Resume of James A. Eaton 13
12 Exhibit 2 Consumer Indirect Purchaser 21
13 Plaintiff's Fourth Amended
14 Consolidated Class Action
15 Complaint
16 Exhibit 3 Exhibit A to Plaintiffs' 65
17 Request for Interrogatories
18 Exhibit 4 Group of Grocery Receipts 69
19 Exhibit 5 List of Attorneys 112
20
21
22
23
24
25

Page 2

1 APPEARANCES
2 (ALL APPEARED VIA ZOOM VIDEO CONFERENCE.)
3 FOR THE CONSUMER INDIRECT PURCHASER PLAINTIFFS
4 AND THE WITNESS:
5 Mr. Daniel Hedlund
6 GUSTAFSON GLUEK PLLC
7 126 South 6th Street, Suite 2600
8 Minneapolis, Minnesota 55402
9 Telephone: 712.333.8844
10 E-mail: dhedlund@gustafsongluek.com
11
12 FOR THE WITNESS:
13 Mr. Eric D. Barton
14 WAGSTAFF & CARTMELL
15 4740 Grand Avenue, Suite 300
16 Kansas City, Missouri 64112
17 Telephone: 816.701.1167
18 E-mail: ebarton@wcllp.com
19
20 FOR DEFENDANT HORMEL FOOD CORPORATION:
21 Ms. Stephanie Koltookian
22 FAEGRE DRINKER BIDDLE & REATH LLP
23 801 Grand Avenue, 33rd Floor
24 Des Moines, Iowa 50309
25 Telephone: 515.248.9000
E-mail: stephanie.koltokian@faegredrinker.com
26
27 ALSO PRESENT: Adrian Beltran, Videographer and
Document Technician

Page 4

1 THE VIDEOGRAPHER: Good morning, everyone.
2 We are on the record on March 10, 2022 at approximately
3 9:04 a.m. Central time for the remote video deposition
4 of James Eaton in the matter of In Re Pork Antitrust
5 Litigation. My name is Adrian Beltran, and I'm the
6 videographer for today. Will counsel please introduce
7 themselves for the record beginning with the party
8 noticing this proceeding.
9 MS. KOLTOOKIAN: Stephanie Koltookian,
10 Faegre Drinker Biddle & Reath, for defendant Hormel.
11 MR. HEDLUND: Dan Hedlund, Gustafson
12 Gluek, one of the co-lead counsel for the consumer
13 indirect purchaser plaintiff class.
14 MR. BARTON: And Eric Barton, Wagstaff &
15 Cartmell, also counsel for Mr. Eaton.
16 THE VIDEOGRAPHER: Thank you, Counsel. If
17 that is all, the court reporter will swear in the
18 witness, please.
19 JAMES EATON,
20 having been first duly sworn, testified as follows:
21 EXAMINATION
22 QUESTIONS BY MS. KOLTOOKIAN:
23 Q. Good morning, Mr. Eaton.
24 A. Good morning.
25 Q. My name is Stephanie Koltookian, and I

Page 41

1 **A. Kind of a data-compiling company that does data**
2 **analytics that's supposed to help companies increase**
3 **margins, profits, efficiencies somehow.**

4 Q. And is it fair to say that you reached that
5 understanding based on information from your attorneys?

6 **A. Yes.**

7 Q. When did you first hear about Agri Stats?

8 **A. Through this. I'd never heard of them prior or**
9 **outside of this.**

10 Q. What's your understanding of the information
11 that Agri Stats compiled?

12 **A. Everything to do with their industry. Again,**
13 **supply, headcounts on herds, how many are being**
14 **processed. I would assume price of feed, price of fuel,**
15 **you know, total cost of operations, labor, everything**
16 **top to bottom on the efficiencies of the business but**
17 **primarily with the pork production in this.**

18 Q. And you mentioned several things outside of the
19 supply and the processing of pork impacts the efficiency
20 of the business. Is that right?

21 **A. Yes.**

22 Q. So you would agree with me that if the price of
23 feed increases, the cost of doing business increases.
24 True?

25 MR. HEDLUND: Object to the form.

Page 42

1 **A. Yes. I would caveat that with on an individual**
2 **basis.**

3 Q. (By Ms. Koltookian) What do you mean by that?

4 **A. Well, depending on, you know, where they are;**
5 **do they produce their own feed, you know; what's the**
6 **logistics of them getting feed.**

7 **So company A, B and C are going to be**
8 **different from C, D and F, right, just based on**
9 **operations. I believe those analytic companies try to**
10 **help them fine-tune that.**

11 Q. Okay. And you mentioned, you know, there's
12 different business models between pork producers. Is
13 that your understanding?

14 MR. HEDLUND: Object to form.

15 **A. Yes.**

16 Q. (By Ms. Koltookian) Okay. And is it possible
17 that some pork producers do not raise their own hogs?

18 **A. Yes.**

19 Q. And it's possible that some pork producers buy
20 hogs from other pork producers to then make the franks
21 or the marinated pork products that you eventually buy
22 in the grocery store, right?

23 MR. HEDLUND: Object to the form.

24 **A. Yeah. I would say it's possible; but I have**
25 **no, you know -- I'm not a pork producer. I don't know**

Page 43

1 **the ins and outs of everything that they do. You're**
2 **asking me questions. I don't know how each individual**
3 **entity operates.**

4 Q. (By Ms. Koltookian) But if those variations
5 existed, you would agree that that would have an -- the
6 price of the underlying hog --

7 **A. Right.**

8 MR. HEDLUND: Object to the form.

9 Q. (By Ms. Koltookian) All right. I'd like to
10 talk to you a little bit about your understanding of
11 Hormel Foods Corporation.

12 Do you know where Hormel Foods Corporation
13 is headquartered?

14 **A. I do not.**

15 Q. Do you know if Hormel Foods Corporation raises
16 its own pigs?

17 **A. I do not.**

18 Q. Do you know if Hormel Foods Corporation --
19 where it harvests pigs?

20 **A. I missed part of that.**

21 Q. That's okay. I said it very poorly.

22 Do you know where Hormel Foods Corporation
23 harvests pigs?

24 MR. HEDLUND: Object to the form.

25 **A. No.**

Page 44

1 Q. (By Ms. Koltookian) Do you know what pork
2 Hormel Foods Corporation produces?

3 **A. I believe they produce Spam. Outside of that,**
4 **I don't know any branding. The Canadian bacon I do**
5 **know.**

6 Q. Do you purchase Spam?

7 **A. No.**

8 Q. Do you know if Hormel Foods Corporation
9 produces any other meat products like beef or chicken?

10 **A. I don't know. I don't.**

11 Q. All right. Have you ever heard of Clemens Food
12 Group?

13 **A. Yes. That is the C company that I could not**
14 **get the name of.**

15 Q. Do you know where Clemens Food Group is
16 headquartered?

17 **A. I do not.**

18 Q. Do you know if Clemens raises its own pigs?

19 **A. I do not.**

20 Q. Do you know whether Clemens harvests any pigs?

21 **A. I don't.**

22 MR. HEDLUND: Object to the form.

23 Q. (By Ms. Koltookian) Do you know what pork
24 products Clemens produces?

25 **A. I do not.**

Page 45

1 Q. Do you know if Clemens produces any other meat
2 like beef or chicken?
3 **A. I do not.**
4 Q. And have you purchased any pork produced by
5 Clemens Food Group?
6 **A. I do not know specifically.**
7 Q. I'd like to talk next about JBS USA. Do you
8 know where JBS -- have you heard of JBS?
9 **A. Yes, through this.**
10 Q. Okay. Do you know where JBS is headquartered?
11 **A. I do not.**
12 Q. Do you know if JBS raises its own pigs?
13 **A. I do not.**
14 Q. Do you know where JBS harvests any pigs that it
15 raises?
16 MR. HEDLUND: Object to the form.
17 **A. I do not.**
18 Q. (By Ms. Koltookian) Do you know what pork
19 products JBS produces?
20 **A. I do not.**
21 Q. Do you know if JBS produces any other products
22 like beef or chicken?
23 **A. I do not.**
24 Q. Have you purchased any pork produced by JBS?
25 **A. I do not specifically know.**

Page 46

1 Q. When you say you don't specifically know, why
2 don't you know?
3 **A. I don't recall personally anything that was**
4 **under their brand name; but I don't know if they have**
5 **any affiliates or associates that they sell under, you**
6 **know, some other name or maybe it's packaged store meat**
7 **that, you know, is not branded with their name.**
8 Q. Okay. I'd like to talk about Seaboard Foods
9 next.
10 **A. Okay.**
11 Q. Have you heard of Seaboard Foods?
12 **A. Yes.**
13 Q. Okay. Where did you first hear of Seaboard
14 Foods?
15 **A. Through here.**
16 Q. Do you know where Seaboard Foods is
17 headquartered?
18 **A. I do not.**
19 Q. Going through the same series of questions, do
20 you know if it raises its own pigs or harvests its own
21 pigs?
22 **A. I do not.**
23 Q. Do you know what pork products Seaboard Foods
24 produces?
25 **A. I do not.**

Page 47

1 Q. Do you know if Seaboard Foods produces any
2 other meat products like beef or chicken?
3 **A. I do not.**
4 Q. And have you purchased any pork produced by
5 Seaboard Foods?
6 **A. I do not know.**
7 Q. Okay. Have you heard of Smithfield Foods?
8 **A. Yes.**
9 Q. Where did you first hear about Smithfield?
10 **A. Branding at the grocery store.**
11 Q. Okay. Do you know where Smithfield is
12 headquartered?
13 **A. I do not.**
14 Q. Do you know if Smithfield raises its own pigs?
15 **A. I do not.**
16 Q. Do you know where it harvests pigs?
17 MR. HEDLUND: Object to form.
18 **A. I do not.**
19 Q. (By Ms. Koltookian) Do you know what pork
20 products Smithfield produces?
21 **A. I don't know all of them. I believe there is**
22 **some packaged sausage, just going off memory, trying to**
23 **picture it, picture the packaging in the grocery store.**
24 **That's the best of my recollection.**
25 Q. Okay. Does Smithfield produce any other meat

Page 48

1 products like beef or chicken?
2 **A. I believe there's some frozen chicken products,**
3 **but I couldn't recall.**
4 Q. Have you purchased any pork products from
5 Smithfield?
6 **A. I believe so. If it's the sausage I'm thinking**
7 **of, I know that directly. Other ones I don't know.**
8 Q. Okay.
9 **A. Again, just branding. I don't know what**
10 **everything falls under.**
11 Q. Have you heard of Triumph Foods?
12 **A. Triumph Foods, no.**
13 Q. Okay. And I think we've talked a little bit
14 about Tyson foods. Do you recognize that name?
15 **A. Yes.**
16 Q. Okay. Where is Tyson headquartered?
17 **A. I don't know.**
18 Q. Do you know if Tyson raises its own pigs?
19 **A. I do not.**
20 Q. Do you know whether Tyson harvests any pigs?
21 MR. HEDLUND: Object to form.
22 **A. I don't know.**
23 Q. (By Ms. Koltookian) And what products -- what
24 pork products does Tyson Foods produce?
25 **A. Again, specifically I don't know.**

<p style="text-align: right;">Page 49</p> <p>1 Q. Do you know if Tyson produces any other meat</p> <p>2 products like beef or chicken?</p> <p>3 A. Yes. I know chicken for sure. I'm sure</p> <p>4 there's some beef. I don't know that. They're pretty</p> <p>5 heavily branded.</p> <p>6 Q. Okay. Have you purchased any pork products</p> <p>7 from Tyson Foods?</p> <p>8 A. I am sure I have.</p> <p>9 Q. Do you know what kind?</p> <p>10 A. No, I do not.</p> <p>11 Q. Can you tell me which companies subscribe to</p> <p>12 Agri Stats?</p> <p>13 A. The ones I'm aware of -- I don't know if this</p> <p>14 is a complete list but the ones we just went through,</p> <p>15 Tyson, Hormel, Smithfield, Seaboard, JBS. You just said</p> <p>16 it, and I can't remember it. It begins with a C, and I</p> <p>17 forgot that. I apologize.</p> <p>18 Q. That's okay. Clemens. Is that right?</p> <p>19 A. Yes, Clemens.</p> <p>20 Q. Did Triumph subscribe to Agri Stats?</p> <p>21 A. I believe that name was in there. I just can't</p> <p>22 fully recollect.</p> <p>23 Q. Is it your testimony today that all the</p> <p>24 defendants subscribed to Agri Stats?</p> <p>25 A. My understanding is yes.</p>	<p style="text-align: right;">Page 51</p> <p>1 indispensable monitoring function, allowing each member</p> <p>2 of the cartel to police each other's production figures</p> <p>3 (which were trustworthy because they had been verified)</p> <p>4 for signs of cheating."</p> <p>5 Did I read that correctly?</p> <p>6 A. You lost me. Can you start again. I</p> <p>7 apologize.</p> <p>8 Q. That's fine. It's the last sentence of the</p> <p>9 paragraph; and it reads, "Agri Stats' detailed</p> <p>10 production statistics serve as an indispensable</p> <p>11 monitoring function, allowing each member of the cartel</p> <p>12 to police each other's production figures (which were</p> <p>13 trustworthy because they had been verified) for signs of</p> <p>14 cheating."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. How did defendants use Agri Stats to monitor</p> <p>18 each other's production figures?</p> <p>19 MR. HEDLUND: Object to the form.</p> <p>20 A. Again.</p> <p>21 Q. (By Ms. Koltookian) That's okay. How did</p> <p>22 defendants use Agri Stats to monitor each other's</p> <p>23 production figures?</p> <p>24 A. To police each other's production figures to</p> <p>25 see what the others were producing to be sure they were</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And did all of the defendants subscribe to Agri</p> <p>2 Stats between 2008 to 2018?</p> <p>3 A. Yes. That is my understanding.</p> <p>4 Q. Have you done any independent research into</p> <p>5 Agri Stats?</p> <p>6 A. I have not.</p> <p>7 Q. I'd like to turn back to the complaint --</p> <p>8 fourth amended complaint, which has been marked as</p> <p>9 Exhibit 2. And you should have a hard copy in front of</p> <p>10 you which might help. I'd like to turn to paragraph 61</p> <p>11 of the complaint which is on page 39.</p> <p>12 MR. HEDLUND: Stephanie, would you mind</p> <p>13 screen-sharing as well?</p> <p>14 MS. KOLTOOKIAN: Yes, I will. I was just</p> <p>15 scrolling to it.</p> <p>16 MR. HEDLUND: Thank you. Appreciate it.</p> <p>17 Jamie, it's up to you. You can look at</p> <p>18 paper, look on the screen, however you want.</p> <p>19 THE WITNESS: Okay. Thank you.</p> <p>20 Q. (By Ms. Koltookian) Okay, Mr. Eaton. Have you</p> <p>21 located paragraph 61?</p> <p>22 A. I have.</p> <p>23 Q. All right. The paragraph reads in part</p> <p>24 starting at the middle of the paragraph right here,</p> <p>25 "Agri Stats' detailed production statistics serve as an</p>	<p style="text-align: right;">Page 52</p> <p>1 falling in line.</p> <p>2 Q. Is it your understanding that the Agri Stats</p> <p>3 report identified who was producing how much pork?</p> <p>4 MR. HEDLUND: Object to the form.</p> <p>5 A. Yes. That's the production figures. If that's</p> <p>6 what you're calling how much pork in production, yeah.</p> <p>7 Q. (By Ms. Koltookian) And is the basis for that</p> <p>8 understanding the complaint?</p> <p>9 A. Yes.</p> <p>10 Q. And you don't have any other independent source</p> <p>11 of knowledge for that understanding outside of the</p> <p>12 complaint?</p> <p>13 A. My attorneys.</p> <p>14 Q. Okay. Anything else?</p> <p>15 A. No.</p> <p>16 Q. What is your best evidence that defendants used</p> <p>17 Agri Stats to effectuate this alleged conspiracy?</p> <p>18 MR. HEDLUND: Object to the form. You can</p> <p>19 go ahead.</p> <p>20 A. Information provided by attorneys in this</p> <p>21 document. Again, I feel it's their job to collect,</p> <p>22 analyze and provide, you know, this data to me.</p> <p>23 Q. (By Ms. Koltookian) What products are part of</p> <p>24 the alleged conspiracy?</p> <p>25 A. Pork.</p>

Page 65

1 to the plaintiffs' requests for interrogatories.
 2 (Exhibit 3 marked)
 3 MR. HEDLUND: I don't have the documents
 4 in front of me. Is that in the folder that he should
 5 pull out, Stephanie?
 6 MS. KOLTOOKIAN: Yes. It is in the
 7 folder. It should have a blue heading. It's a chart.
 8 I'll go ahead and share my screen once I have it pulled
 9 up.
 10 Q. (By Ms. Koltookian) Mr. Eaton, have you found
 11 this document?
 12 **A. I have.**
 13 Q. Do you recognize it?
 14 **A. I do.**
 15 Q. Can you tell me what it is?
 16 **A. It looks like a partial list of purchases I**
 17 **made at HyVee.**
 18 Q. Okay. And I think your name is on page 3 of 4.
 19 Is that right?
 20 **A. Yes.**
 21 Q. Okay. Did you assist in preparing this report?
 22 MR. HEDLUND: Object to the form.
 23 **A. I provided receipts. As far as the format and**
 24 **entering this data, no.**
 25 Q. (By Ms. Koltookian) Have you seen this

Page 66

1 document before today?
 2 **A. Yes.**
 3 Q. So in this document under your name and pork
 4 product it lists sausage, Canadian bacon, ham and brats.
 5 Do you see that?
 6 **A. I do.**
 7 Q. Are those the only purchases that you are
 8 seeking damages on in this case?
 9 **A. No. I guess I don't know where exactly this**
 10 **list was compiled from compared to receipts I have.**
 11 Q. Okay. Are there other purchases that you're
 12 seeking damages on?
 13 **A. Yeah, just my pork purchases in general.**
 14 Q. Okay. And are all the pork purchases that
 15 you're seeking damages on purchases that are reflected
 16 in the receipts that you've produced in discovery?
 17 **A. No, no. I just have a chunk of years that I**
 18 **couldn't find on those receipts, whether I lost it**
 19 **transferring data, you know, deleted it prior to that**
 20 **time because I didn't see a need at the time to keep**
 21 **ten-year-old grocery receipts or what. But, anyway, I**
 22 **couldn't find much of those.**
 23 Q. Okay. And you testified that you don't have
 24 very many paper receipts at your house that are older.
 25 Is that right?

Page 67

1 **A. Correct, yeah. Paper receipts, no.**
 2 Q. Okay. And you don't specifically recall the
 3 price of pork that you were paying in 2008. Is that
 4 right?
 5 **A. Yeah. To the dollar, no. But I really**
 6 **remember it being about \$3.00. I don't know whether**
 7 **that was bacon or sliced ham. Those specifically are**
 8 **the ones that stick out in my mind as having a pretty**
 9 **big increase.**
 10 Q. Okay. Well, let's go ahead and talk through
 11 the ones that you have listed on this chart.
 12 **A. Okay.**
 13 Q. First it lists sausage, and then under Amount
 14 Purchased it's blank. About how much sausage would you
 15 purchase per week?
 16 **A. You know, if it was broken down in categories,**
 17 **I would say probably a pound a week. And that could be,**
 18 **you know, a pound of sausage. That could be sausage**
 19 **patties. That could be the precooked sausage. Again,**
 20 **just depending what we were eating.**
 21 Q. And then for Dates of Purchase, that's also
 22 blank. But you said it would be -- an amount per week
 23 is a pound per week of sausage?
 24 **A. Yeah. And that might be a little heavy on the**
 25 **sausage. Other things were purchased more than that,**

Page 68

1 **but that's my guess.**
 2 Q. Okay. Moving on to Canadian bacon, again, the
 3 amount purchased is blank. About how much Canadian
 4 bacon did you purchase?
 5 **A. That would be more of a monthly purchase**
 6 **probably. Approximately a pound per month.**
 7 Q. On the sausage it doesn't -- going back to the
 8 sausage, it doesn't list a brand. Did you pay attention
 9 to what brand of sausage you were purchasing or is
 10 there -- let me start over.
 11 Did you have a preferred brand of sausage
 12 to purchase?
 13 **A. Jimmy Dean is what I usually buy. That or**
 14 **there's another one. Old Country. I can picture it.**
 15 **It's got a pig on it in a pantsuit.**
 16 Q. Okay. And then we discussed that for the
 17 Canadian bacon you preferred Hormel.
 18 For ham, again, how much ham would you
 19 purchase?
 20 **A. Again, when the kids were home, I would say**
 21 **probably 2 pounds a week.**
 22 Q. And would that mostly be sliced deli ham?
 23 **A. Yes.**
 24 Q. Does your family have, I guess, larger like
 25 spiral-cut hams during the holidays?

Page 69

1 **A. Yes.**
 2 Q. And when you buy those spiral-sliced hams, what
 3 brand do you usually buy?
 4 **A. If it's in the case, I don't know. Honestly**
 5 **during holidays it's more availability.**
 6 Q. And you purchased the sliced ham on a regular
 7 basis, but is it fair to say that the spiral-cut hams
 8 would have been more of a holiday purchase?
 9 **A. Yes, yes.**
 10 Q. Next you have listed brats. About how much
 11 brats would you purchase?
 12 **A. I would say during the summer probably two**
 13 **packages a week. I think there's six in each package.**
 14 Q. Okay. And for that your preferred brand was
 15 Johnsonville?
 16 **A. Yes.**
 17 Q. All right. I'd like to move on to another
 18 exhibit. I believe there should be a set of receipts
 19 that are in your packet.
 20 **A. Yes.**
 21 Q. We'll go ahead and mark those. I think I'm on
 22 Exhibit 4.
 23 (Exhibit 4 marked)
 24 Q. (By Ms. Koltookian) Have you located that,
 25 Mr. Eaton?

Page 70

1 **A. I have.**
 2 Q. Do you recognize this document?
 3 **A. The receipts, yes.**
 4 Q. And were these pulled from your personal e-mail
 5 account?
 6 **A. Yes.**
 7 Q. It says in the "to" line jaeaton3@yahoo.com.
 8 Do you see that?
 9 **A. Yes.**
 10 Q. Is that your personal e-mail address?
 11 **A. It is.**
 12 Q. Do all of your electronic receipts go to that
 13 e-mail address?
 14 **A. They do.**
 15 Q. When you were looking for receipts, did you
 16 search for receipts from other stores as well?
 17 **A. Yes.**
 18 Q. And were you able to find receipts from any
 19 other place besides HyVee?
 20 **A. I thought so. I thought I did from that**
 21 **Costco, but I don't see it in here. I'll pull it up**
 22 **again.**
 23 **The other thing was Instacart, which is**
 24 **new, which if you're familiar with it, they just**
 25 **deliver.**

Page 71

1 Q. And when did you start using Instacart?
 2 **A. Past two years.**
 3 Q. I'm sorry. I missed what you said before
 4 "years."
 5 **A. The past two years.**
 6 Q. Okay. All right. So you mentioned that you
 7 found these receipts. You found some documents from
 8 Costco which your counsel will produce to us.
 9 Were you able to find any other receipts
 10 reflecting your purchases of pork?
 11 **A. No.**
 12 Q. Did you check your credit card statements to
 13 see if you could identify purchases of pork from those?
 14 **A. Yes. But they don't -- it's just a sum.**
 15 Q. Sure.
 16 **A. Obviously not itemized.**
 17 Q. I'm going to go ahead and represent to you that
 18 the time period at issue in the complaint is actually
 19 2008 to 2018. Do you understand that?
 20 **A. Yes.**
 21 Q. Okay. So let's look through these receipts.
 22 You mentioned that your consumption of pork may have
 23 gone down a little since your kids left the house. Is
 24 that right?
 25 **A. Yes.**

Page 72

1 Q. And when did they start going off to college?
 2 **A. Five years ago and last year.**
 3 Q. Okay. So if we start with the first receipt on
 4 Eaton 1, do you see that this date is November 23, 2020?
 5 **A. I do.**
 6 Q. So that would be after the class period. Is
 7 that right?
 8 **A. Yes.**
 9 Q. Let's move on to the next one. This one starts
 10 on Eaton 4. Is that the next receipt that you see in
 11 the packet?
 12 **A. Yes.**
 13 Q. All right. And you see that that is dated
 14 November 16, 2020?
 15 **A. Yes.**
 16 Q. So that's also after the class period ended?
 17 **A. Yes.**
 18 Q. Is the next receipt that you see on page 7
 19 Eaton 7?
 20 **A. Yes.**
 21 Q. And do you see that that's dated October 26,
 22 2020?
 23 **A. Yes.**
 24 Q. And that would also be after the class period
 25 ended?

Page 81

1 keep the receipts from your purchases of pork?
 2 **A. Yes.**
 3 Q. When was the first time that you were
 4 instructed to keep your receipts?
 5 **A. After I joined, signed up.**
 6 Q. And when you signed up, did you sign up to be a
 7 class representative?
 8 MR. HEDLUND: Object to the form.
 9 **A. I believe so, yes.**
 10 Q. (By Ms. Koltookian) Have you ever thrown away
 11 receipts since you became a named plaintiff in this
 12 case?
 13 **A. I'm sure I have unintentionally.**
 14 Q. Do you have any hard-copy file at your house of
 15 receipts that you've kept?
 16 MR. HEDLUND: Object to form.
 17 **A. No. I mean, anymore I just kind of -- plain**
 18 **old electronic for most things.**
 19 Q. (By Ms. Koltookian) And you've searched for
 20 those electronic receipts in your e-mail account?
 21 **A. I have.**
 22 Q. And do all of your electronic receipts go to
 23 the same e-mail account?
 24 **A. Yes.**
 25 Q. Does your wife receive any electronic receipts

Page 82

1 for pork that's purchased with your joint money?
 2 MR. HEDLUND: Object to form.
 3 **A. I don't know.**
 4 Q. (By Ms. Koltookian) When you buy pork, do you
 5 usually pay for it using a card?
 6 **A. Yes.**
 7 Q. What percentage of your purchases are made with
 8 cash versus a credit card?
 9 **A. 95 or more percent of our purchases are made**
 10 **using our debit card, not a credit card.**
 11 Q. All right. So you usually use debit cards to
 12 make your pork purchases?
 13 **A. That's right.**
 14 Q. The last time that you purchased pork, did you
 15 pay by card?
 16 **A. Yes.**
 17 Q. Do you recall how much you spent?
 18 **A. I do not.**
 19 Q. Would you be able to go online and check the
 20 amount of that purchase?
 21 **A. I think so. I believe HyVee keeps track of**
 22 **those online.**
 23 Q. How long would it take you to find that
 24 receipt?
 25 **A. Maybe ten minutes.**

Page 83

1 Q. Okay. And do you have a smartphone?
 2 **A. I do.**
 3 Q. What kind?
 4 **A. iPhone.**
 5 Q. Do you use any online banking apps on your
 6 phone?
 7 **A. I do.**
 8 Q. Which ones?
 9 **A. Banking for my bank specifically, Entrust.**
 10 Q. Would you be able to check the amount of your
 11 pork purchases on your smartphone?
 12 **A. I would be able to check the full amount of my**
 13 **purchase. Again, it's not going -- it was inclusive of**
 14 **my groceries. So if I spend \$175 at the store, that's**
 15 **all it's going to say. But yes, I could find that.**
 16 Q. Has your counsel asked you to produce any of
 17 your credit card or bank statements?
 18 **A. No.**
 19 Q. Are you aware that defendants have requested
 20 that your credit card and bank statements be produced?
 21 MR. HEDLUND: Object to the form.
 22 **A. I don't think so.**
 23 Q. (By Ms. Koltookian) We talked a little bit
 24 about different factors that you consider when you're
 25 purchasing pork earlier. Do you remember that

Page 84

1 discussion?
 2 **A. Yes.**
 3 Q. How did you decide where to purchase pork from?
 4 **A. Again, primarily I just do most of my ordering**
 5 **from HyVee unless it's going to be where I need larger**
 6 **amounts. Then I'll get it from Costco. Convenience, I**
 7 **guess.**
 8 Q. Okay. But you also -- is it fair to say that
 9 you also prioritize proximity to your home?
 10 **A. Yes, to where I make my purchases.**
 11 Q. And do you also look for a place with good
 12 selection?
 13 **A. Yes.**
 14 Q. And good quality meat?
 15 **A. Yes.**
 16 Q. And good prices?
 17 **A. Again, it seems to be pretty consistent amongst**
 18 **all stores. It's easiest for me to use HyVee because**
 19 **that's the one I'm familiar with.**
 20 Q. Okay.
 21 **A. Maybe it's laziness is the reason I go there or**
 22 **habit.**
 23 Q. HyVee is my grocery store, too. So I get it.
 24 **A. It's one less thing in life to think about.**
 25 Q. Yeah. You mentioned that you buy some pork

<p style="text-align: right;">Page 85</p> <p>1 that is brand label and some that is private label. Is</p> <p>2 that right?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. You mentioned that you've bought</p> <p>5 Smithfield, and you've bought Hormel. What other brands</p> <p>6 did you purchase?</p> <p>7 A. Name brand. Again, the Johnsonville, the Jimmy</p> <p>8 Dean, Old Country or old folks, whatever that is. I'm</p> <p>9 picturing the package, and I can't think of the name.</p> <p>10 It's precooked sausage and bacon that we use. Off the</p> <p>11 top of my head, that's all I can recall.</p> <p>12 Q. And for store brands what store brand pork do</p> <p>13 you buy?</p> <p>14 A. I believe it's HyVee label.</p> <p>15 Q. And do you know if --</p> <p>16 A. It's in a plain white wrapper. So I don't know</p> <p>17 that it's branded.</p> <p>18 Q. Okay. And are you able to tell where the store</p> <p>19 brand pork is originally produced from?</p> <p>20 A. No.</p> <p>21 Q. So you can't say for sure who produced the pork</p> <p>22 that you're buying when it's store brand?</p> <p>23 A. No, I cannot.</p> <p>24 Q. So it's possible that some of the pork that you</p> <p>25 purchased was produced by a company that's not a</p>	<p style="text-align: right;">Page 87</p> <p>1 more of a premium product than pork shoulder?</p> <p>2 MR. HEDLUND: Object to the form.</p> <p>3 A. I don't have an opinion on that, no.</p> <p>4 Q. (By Ms. Koltookian) Do you believe that any</p> <p>5 specific cut of pork is a premium product over other</p> <p>6 cuts?</p> <p>7 MR. HEDLUND: Object to the form.</p> <p>8 A. No. I mean, there's some thicker cut chops</p> <p>9 that are better but, again, no. I think there's some</p> <p>10 lesser grades, pork steak maybe as opposed to a pork</p> <p>11 chop.</p> <p>12 Q. (By Ms. Koltookian) You mentioned that you</p> <p>13 sometimes buy spiral-cut hams at the holidays. Is that</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. Would you say that -- are there particular</p> <p>17 times of the year when you buy more pork than others?</p> <p>18 A. Quantity-wise or weight-wise probably through</p> <p>19 the summer, again, because I do more smoking in the</p> <p>20 summer into fall; and that's when I'm buying the big</p> <p>21 butts and ribs as opposed to a small pack of chops. But</p> <p>22 frequency, no.</p> <p>23 Q. Was there ever a time during 2008 to 2018 when</p> <p>24 you walked into a grocery store intending to buy pork</p> <p>25 but ended up buying another meat instead?</p>
<p style="text-align: right;">Page 86</p> <p>1 defendant in this case, right?</p> <p>2 MR. HEDLUND: Object to the form.</p> <p>3 A. (Transmission interference).</p> <p>4 Q. (By Ms. Koltookian) I'm sorry. I didn't catch</p> <p>5 your answer.</p> <p>6 A. Yes, could be.</p> <p>7 Q. And what caused you to buy brand over private</p> <p>8 label or vice versa?</p> <p>9 A. Usually availability over price, again, what's</p> <p>10 there.</p> <p>11 Q. Between 2008 and 2018 were there particular</p> <p>12 cuts of pork that you preferred more than others?</p> <p>13 A. During that time it was probably more, again,</p> <p>14 of the sliced ham, the chops, brats, occasional loins.</p> <p>15 Q. Would you have paid more for marinated ribs and</p> <p>16 pork shoulder?</p> <p>17 MR. HEDLUND: Object to the form.</p> <p>18 A. We paid more for marinated pork loins. I do my</p> <p>19 own shoulder and ribs. I don't need their help.</p> <p>20 Q. (By Ms. Koltookian) And if marinated loins</p> <p>21 were not available, would you have purchased another cut</p> <p>22 of pork instead?</p> <p>23 A. No. I just would have gotten one not</p> <p>24 marinated.</p> <p>25 Q. Do you believe that marinated pork loins are</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I don't know. I can't think of anything.</p> <p>2 Q. You just don't recall?</p> <p>3 A. Right. I have no idea.</p> <p>4 Q. Okay. Was there ever a time that you can</p> <p>5 remember during 2008 to 2018 when you walked into a</p> <p>6 grocery store intending to buy another type of meat but</p> <p>7 ended up buying pork instead?</p> <p>8 A. No.</p> <p>9 Q. Is that no, you never did that or no, you can't</p> <p>10 recall?</p> <p>11 A. No, I can't recall. And I'm trying to think as</p> <p>12 these questions are coming out, what would have caused</p> <p>13 that, you know. And it could have been whether sliced</p> <p>14 turkey was less and we substituted that but I'm</p> <p>15 guessing, so ...</p> <p>16 Q. So it's possible that you might have walked in</p> <p>17 and instead of buying ham you bought turkey because it</p> <p>18 was cheaper?</p> <p>19 MR. HEDLUND: Object to the form.</p> <p>20 A. (Transmission interference).</p> <p>21 Q. (By Ms. Koltookian) I'm sorry. What was your</p> <p>22 answer? I didn't hear it.</p> <p>23 A. Correct.</p> <p>24 Q. Do you recall that there was an economic</p> <p>25 downturn in 2008/2009?</p>